IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

Crl.Rev.Pet.No.118 of 1998(C)

CRL.A.NO.323/1994 OF THE COURT OF SESSION, KOZHIKODE.
C.C.NO.230/1993 OF THE COURT OF THE JUDICIAL IST CLASS MAGISTRATE-V, KOZHIKODE.

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REVISION PETITIONERS/APPELLANTS/ACCUSED:-

1. BASHEER, S/O.BEERANKUTTY.
2. VASU.K., S/O.UNNI NAYADI.
3. DASAN, S/O.KORAPPAN.
4. PRAKASAN, S/O.VASU.
5. DEVAN, S/O.AYYAPPANKUTTY.
6. BABU, S/O.PERAVAN.
7. SAIDALAVI @ KURUVI SAIDALAVI, S/O.KUNHALANKUTTY.

BY ADV. SRI.ALAN PAPALI
SRI.M.P.PRABHANANDAN

RESPONDENT/RESPONDENT/COMPLAINANT:-

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.118 of 1998-C

Dated, this the 15th day of November, 2006

ORDER

V.K.Bali,C.J. (Oral)

The petitioners have been held guilty for offences under Sections 143, 148, 336, 427 and 506(ii) read with Section 149 of Indian Penal Code. They were sentenced to undergo rigorous imprisonment for two years under Section 506(ii), rigorous imprisonment for one year under Section 148, rigorous imprisonment for three months under Section 143 and rigorous imprisonment for one month under Section 427 of Indian Penal Code. No separate sentence was awarded under Section 336 I.P.C. The sentences were ordered to run concurrently. Aggrieved, the petitioners filed appeal, The lower appellate Court set aside the conviction under Sections 148 and 427 read with Section 149 of Indian Penal Code and acquitted of those offences. The finding of conviction under Sections 143 and 336 was confirmed and

the sentence awarded under Section 143 was also confirmed. The conviction under Section 506(ii) I.P.C. was altered to one falling under Section 506(i) and sentenced to undergo rigorous imprisonment for one year. The sentences were ordered to run concurrently, as would be clear from the order dated 1st December, 1997 passed by the Sessions Judge, Kozhikode. It is against these two orders that the present revision has been filed.

2. Without joining issues on the merits of the case, the learned counsel for the petitioners states that the occurrence pertains to the year 1992 and in the manner aforesaid, the petitioners have already suffered a protracted trial spanned over a period of about 14 years and, therefore, the petitioners may not be sent to serve a jail term at this stage.

3. Having heard learned counsel for the parties, this Court is of the view that ends of justice would be served if the petitioners, instead of serving the jail term, be asked to pay fine. In the circumstances of the case, thus, the Court orders that the petitioners would pay a fine of Rs.1,000/= (Rupees one thousand only) each within two

months from today and would not serve jail term at this stage. In case fine is not paid, the petitioners would serve the sentence imposed by the learned Sessions Judge.

The Criminal Revision Petition is disposed of as indicated above.

Sd/-
V.K.Bali
Chief Justice

vku/-

- true copy -

P.A. to Judge